

Fair Housing Law & Criminal Activity Nuisance Ordinances

OCCD Spring Meeting 4/28/21



Fair Housing Center
for Rights & Research

This seminar provides general information. For legal advice on specific issues, please consult an attorney.

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About The Fair Housing Center

Mission:

To protect and expand fair housing rights, eliminate housing discrimination, and promote integrated communities.

Services:

- Direct Advocacy
- Complaint Investigation
- Enforcement
- Research
- Education
- Community Engagement

Fair Housing Act

- **The Fair Housing Act (Title VIII of the Civil Rights Act of 1968) was signed into law on April 11, 1968.**



Fair Housing Act's Goals

1. **Eliminate housing discrimination.**
2. **Promote residential integration and undo the effects of prior discriminatory policies and practices.**

**Affirmatively Further
Fair Housing (AFFH)**



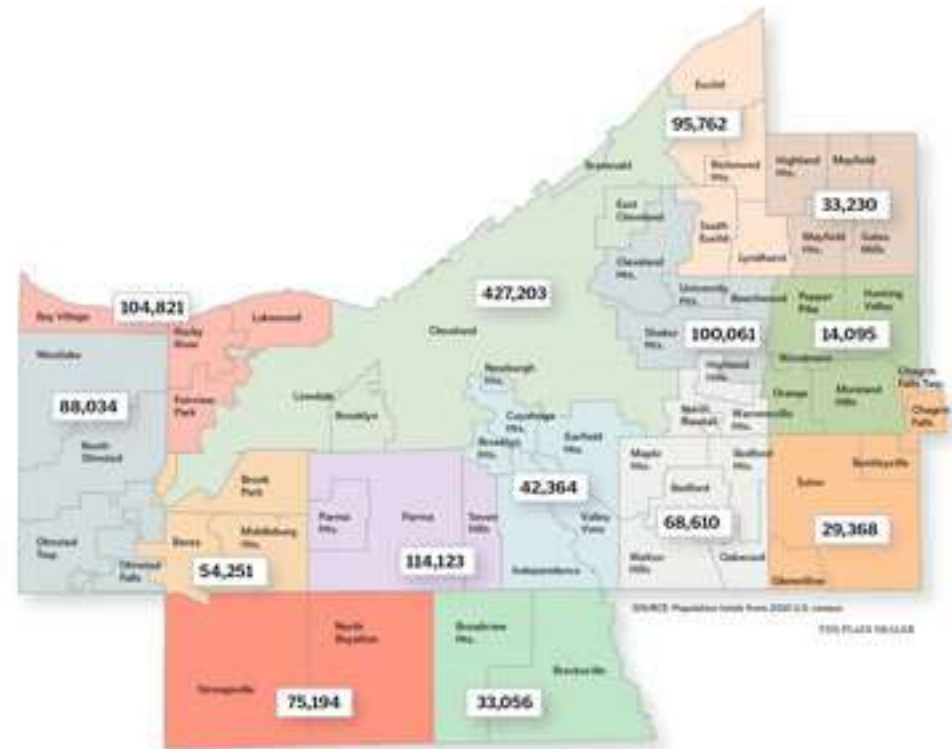
Why is Fair Housing Important?

Housing Impacts:

- Access to quality schools
- Access to healthy foods
- Access to jobs
- Access to healthcare

Where you live impacts:

- Life outcomes
- Upward mobility
- Exposure to environmental hazards



What Property is Covered?

- House, apartment, condo
- Manufactured / mobile home
- Nursing home / assisted living
- Residential recovery housing
- Transitional housing
- Dorm room
- Extended stay hotels
- Timeshares
- Vacant land intended for residential construction



Protected Classes

Federal

- **Race**
- **Color**
- **National Origin**
- **Religion**
- **Sex**-includes Sexual Orientation & Gender Identity
- **Familial Status**
- **Disability**

Ohio

- **Ancestry**
- **Military Status**



Additional Protected Classes

Local fair housing ordinances may include:

- Age
- Marital Status
- Parental Status
- Source of Income
- Creed
- Ethnic Group
- Occupation
- Vietnam / Disabled Veteran
- Physical Characteristic
- Association with a Protected Class

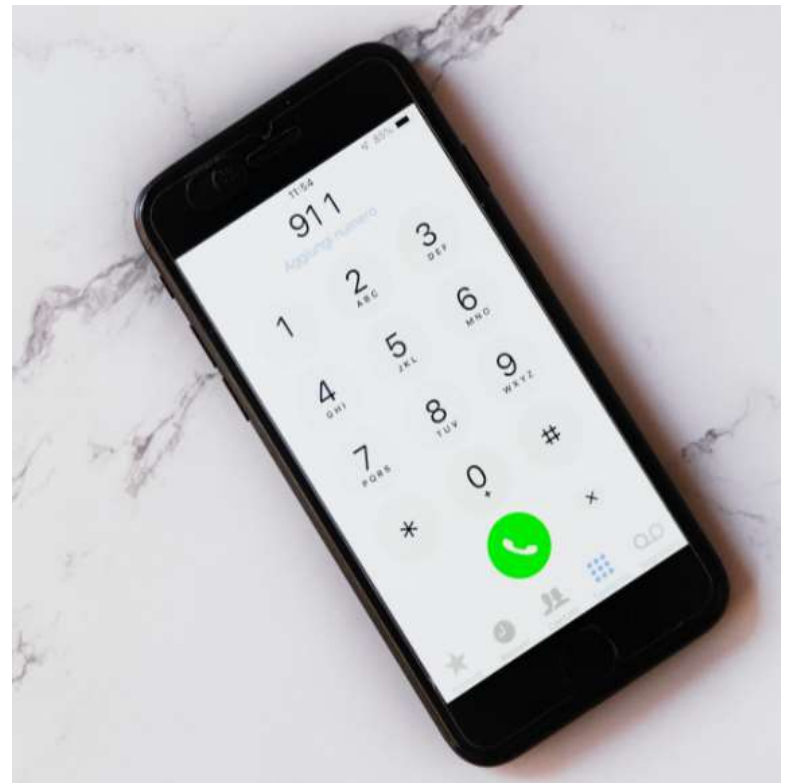
What is Housing Discrimination?

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable or otherwise restrict choice
- Set different terms, conditions or privileges for sale or rental of housing
- Provide different housing services or facilities
- Falsely deny that housing is available
- Persuade owners to sell or rent (blockbusting)
- Deny anyone access to or membership in a facility or service related to the sale or rental of housing
- Retaliate against a person for making a fair housing complaint.

Emerging Issue: Criminal Activity Nuisance Ordinances (CANOs)

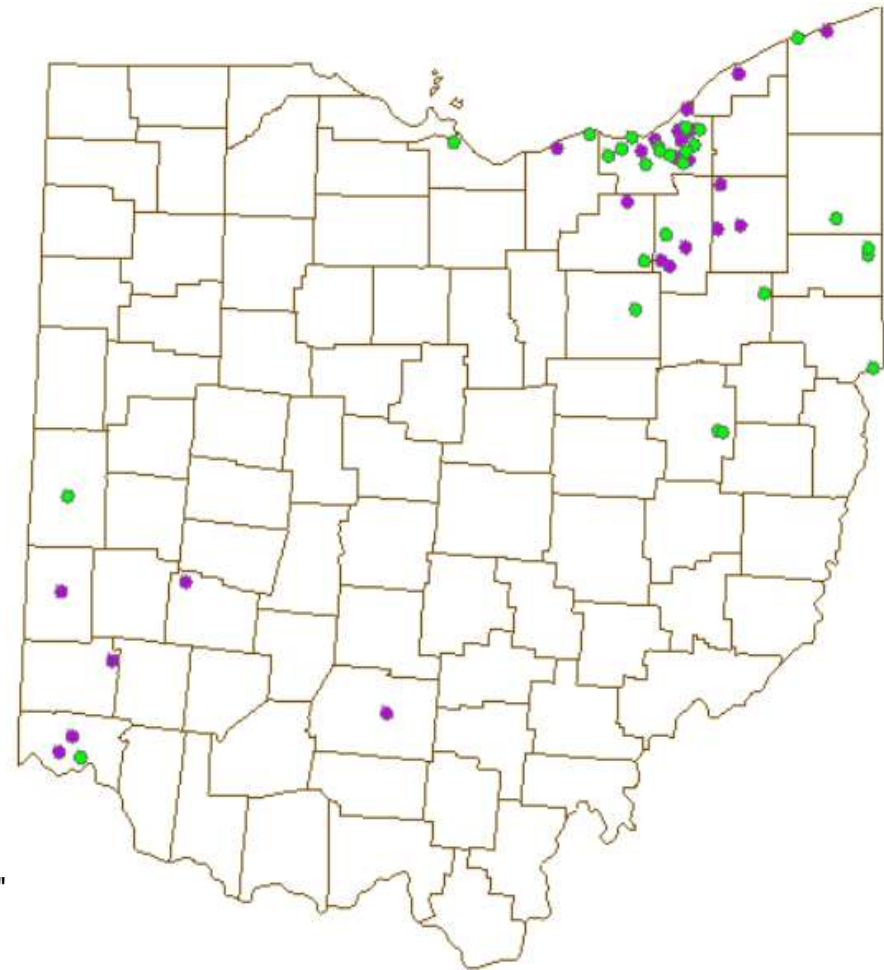
CANOs are local laws that punish property owners for repeated incidents of so-called nuisance activity.

Often focus on activity such as noise violations, animal complaints, assault, trespassing and drug activity. Some are very broad.



Criminal Activity Nuisance Ordinances (CANOs)

Concentrated in Northeast Ohio, especially in Cuyahoga County



Mead, Joseph; Hatch, Megan; Tighe, J. Rosie; Pappas, Marissa; Andrasik, Kristi; and Bonham, Elizabeth, "Who is a Nuisance? Criminal Activity Nuisance Ordinances in Ohio" (2017). Urban Publications. 0 1 2 3 1509.https://engagedscholarship.csuohio.edu/urban_facpub/1509

Criminal Activity Nuisance Ordinances (CANOs)

- Penalties typically take the shape of a warning to the property owner, followed by fines for each subsequent alleged violation.
- Warning letters instruct property owners to “abate the nuisance”. When the complaints are related to the tenants in the rental property only the owner is typically notified.



Criminal Activity Nuisance Ordinances (CANOs)

- **CANOs can violate residents' fair housing rights when they impact their housing. The most common result of a CANO citation is eviction of the tenant.**



**Discussion:
Implications of CANO's on Fair
Housing**